

**PHARMACY EXAMINING BOARD
MINUTES
MADISON, WI**

December 10, 2002

PRESENT: Cynthia Benning, R.Ph.; Michael Bettiga, R.Ph.; John Bohlman, R.Ph.; Dan Luce, R.Ph.; Charlotte Rasmussen (excused at 1:50 p.m.), and Susan Sutter, R.Ph.

EXCUSED: Georgina Forbes

STAFF PRESENT: Deanna Zychowski, Bureau Director; William Black, Legal Counsel; Gina York, Program Assistant; and Division of Enforcement staff for portions of the meeting.

GUESTS: Susan Hanosh, Walgreen Company; Jamie Statz-Paynter, Dean Pharmacy; Elizabeth Nelson, Women's International; and Tom Engels, PSW

CALL TO ORDER

Sue Sutter, Chair, called the meeting to order at 9:06 a.m. A quorum of six members was present.

AGENDA

Additions/Changes to the Agenda:

- ◆ Add under F. Security Breach and Foreign Grad Interns/Applications
- ◆ Add under G. Two Practice Questions
- ◆ Add under I. in closed session, the Duane A. Oestreich, deliberation of proposed stipulation.
- ◆ Add under W. addition of Case Closings by DOE

MOTION: Cynthia Benning moved, seconded by Dan Luce, to approve the agenda as amended. Motion carried unanimously.

DEPUTY SECRETARY GREG HORSTMAN

Deputy Secretary Horstman provided a brief update to the Board regarding the possible changes in the Department with Governor-Elect, James Doyle taking office in January 2003. There is nothing definite at this time. A first meeting occurred regarding a possible transition team and the duties and responsibilities of the Department. The Department will keep Boards abreast of developments as they become available. The Board members still waiting for confirmation will need to wait for a decision from the Governor's office.

MINUTES OF NOVEMBER 12, 2002

Corrections to the Minutes:

- ◆ Change under Review and Approval to Modify Phar 7.05 Relating to Prescription Records, the motion to delete “to 2 or 3” and add “between the originating and transferring pharmacy”.
- ◆ Change under Meeting with Barbara Showers MPJE/NABPLEX correct “NPJE” to “MPJE” in two places; delete “current”; after word being insert “looked at to be”; delete “will” to “would”; after the word who delete “are eligible” and insert “have applied”.
- ◆ Change under Requests Relating To Full Licensure: change last name “Ash” to “Asp”.

MOTION: Michael Bettiga moved, seconded by Dan Luce, to approve the minutes of November 12, 2002, as amended. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS

DUANE A. OESTREICH, R.Ph.

Attorney Jim Harris presented a proposed stipulation in the matter concerning Duane A. Oestreich, R. Ph. This matter will be deliberated on in closed session.

SUMMARY REPORT ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

A handout of pending cases was distributed. Nothing at this time needed further discussion.

REVIEW AND APPROVAL SCOPE STATEMENT TO AMMEND PHAR 2.03 (4) TO ALLOW AN APPLICANT TO BE ADMITTED TO THE PRACTICAL EXAMINATION UNDER THE SAME PARAMETERS FOR NABPLEX AND MPJE

There was a brief discussion and review by the Board regarding the scope statement to amend Phar 2.03 (4).

MOTION: Cynthia Benning moved, seconded by John Bohlman, to approve and send this scope statement forward. Motion carried unanimously.

REVIEW AND DISCUSSION OF ELECTRONIC TRANSMISSION OF PRESCRIPTION ORDERS – ELECTRONIC SIGNATURE

The Board discussed this topic in-depth regarding concerns and what policies and procedures may be required to implement. The Board will look at clarifying definitions, electronic transmission of medication orders, determining validation of an electronic signature, how this fits with the current rules and protection issues for the public. This will be tabled to the next meeting agenda for further discussion.

REVIEW OF NUCLEAR PHARMACY REGULATION ISSUES

No action by the Board was needed at this time. The Board will continue to monitor and include on future agendas.

NABP'S REPORT REGARDING SECURITY BREACH ON FPGE ADMINISTRATON

This Board addressed the issue of a possible breach of security regarding the FPGE examination which may cause the invalidation of the test. The Board is waiting to hear the findings and if there will be any actions needed to be taken by the Board. This will be on the agenda for the next meeting to be held in January.

DISCUSSION OF HOW TO HANDLE FOREIGN GRADUATES PRACTICING AS INTERNS - FPGE

There was some discussion by the Board regarding how to handle the issue of foreign graduates currently practicing as interns who need to take the FPGE. It was decided by the Board to allow currently practicing interns to continue until there is an examination available.

PRACTICE QUESTIONS

The Board reviewed the practice questions and directed legal counsel to respond.

UW SCHOOL OF PHARMACY REPORT TO THE QUALITY REVIEW COUNCIL – NOVEMBER 21, 2002

Cynthia Benning shared a copy of the report and evaluation of sites and instructors. There was an exit interview process for students to share their experiences and provide input to this process. An annual report and timelines was looked at by the Board.

REPORT ON CONTROLLED SUBSTANCES BOARD

Cynthia Benning reported to the Board information regarding controlled substances. Bill Black and Cynthia Benning worked on the GHB scope statement. The rule change will need to go to the Clearinghouse to have placed in the review schedule. After December 2002, Xyrem will not be available except for special use. There will be a list of patients now being treated with it who will apply for SUAs. The Annual Controlled Substance Report was shared with the Board. Ms. Benning will keep the Board informed of any additional information.

AJOURN TO CLOSED SESSION

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to adjourn to closed session pursuant to Wisconsin State Statutes 19.85(1)(a)(b)(f) and (g), to review applications; deliberate on requests for stay of suspensions,

modification of orders, reinstatements of stay of suspensions, proposed stipulations, case closings, and administrative warnings; review exam issues; and, consult with Legal Counsel. Roll Call Vote: Charlotte Rasmussen-yes; John Bohlman-yes; Michael Bettiga-yes; Dan Luce-yes; Cynthia Benning-yes; Susan Sutter-yes. Motion carried unanimously.

Open session recessed at 1:49 p.m.

RECONVENE TO OPEN SESSION

MOTION: Cynthia Benning moved, seconded by Dan Luce, to reconvene the meeting into Open Session at 3:03 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

STIPULATIONS

PHILLIPS HEALTH CARE CENTER PHARMACY (REEDSBURG) PATRICK J. COLLINS, R.Ph.

MOTION: Charlotte Rasmussen moved, seconded by Michael Bettiga, to adopt the Proposed Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Phillips Health Care Center Pharmacy and Patrick J. Collins, R.Ph. Case Advisor: Dan Luce. John Bohlman abstained. Motion carried.

DUANE A. OESTREICH, R.Ph. (APPLETON)

MOTION: John Bohlman moved, seconded by Cynthia Benning, to adopt the Proposed Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Duane A. Oestreich, R.Ph. Case Advisor: Susan Sutter. Michael Bettiga abstained. Motion carried.

APPEARANCE AND REQUEST FOR REINSTATMENT OF THREE MONTH STAY OF SUSPENSION

JOHN R. SCHMITT, R.Ph.

MOTION: Cynthia Benning moved, seconded by John Bohlman, to deny reinstatement of a three-month stay to John R. Schmitt, R.Ph. Michael Bettiga was not present during deliberation. Mr. Bettiga abstained. Motion carried.

APPEARANCE AND REQUEST FOR REINSTATMENT OF LICENSE AND THREE MONTH STAY OF SUSPENSION

GERALD JENNINGS, R.Ph.

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to grant Gerald Jennings, R.Ph. a three-month stay of suspension. Motion carried unanimously.

REQUESTS FOR LICENSURE

WILLIAM KREGEL, R.Ph.

MOTION: Cynthia Benning moved, seconded by Dan Luce to grant full licensure to William Kregel, R. Ph. Motion carried unanimously.

BRYAN RIDGLEY, PHARM. D.

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen to deny full licensure for Bryan Ridgley, Pharm D. Motion carried unanimously.

**REQUESTS RELATING TO STAYS OF SUSPENSIONS
AND/OR MODIFICATIONS**

RALPH KOCH, R.Ph.

MOTION: Charlotte Rasmussen moved, seconded by Cynthia Benning, to grant Ralph Koch a three-month stay of suspension, to deny modifications, but allow him to be managing pharmacist. Motion carried unanimously.

CORY FORD, R.Ph.

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to grant Cory Ford, R.Ph. a three-month stay of suspension with modification to discontinue therapist and see his physician quarterly. Motion carried unanimously.

WILLIAM KARWOSKI, R.Ph.

MOTION: Cynthia Benning moved, seconded by Dan Luce, to grant William Karwoski, R.Ph. a three-month stay of suspension with no modifications. Motion carried unanimously.

PAUL NELSON, R.Ph.

MOTION: Dan Luce moved, seconded by Michael Bettiga, to grant Paul Nelson, R.Ph. a three-month stay of suspension. Motion carried unanimously.

MICHAEL O'KRAY, R.Ph.

MOTION: Dan Luce moved, seconded by Cynthia Benning, to grant Michael O'Kray a three-month stay of suspension with no modifications. Motion carried unanimously.

ANDREW RICE, R.Ph.

MOTION: John Bohlman moved, seconded by Cynthia Benning, to grant Andrew Rice, R.Ph. a one-month stay of suspension, no modifications, to submit a therapy report and re-submit the request for a three-month stay. Michael Bettiga abstained. Motion carried.

THOMAS TRISCARI, R.Ph.

MOTION: Dan Luce moved, seconded by Michael Bettiga, to grant Thomas Triscari, R.Ph. a three-month stay of suspension with no modifications. Motion carried unanimously.

CHARLENE WILLIS, R.Ph.

MOTION: Dan Luce moved, seconded by John Bohlman, to grant Charlene Willis a three-month stay of suspension with modification for eight hours to be a pharmacist-in-charge. Motion carried unanimously.

ADMINISTRATIVE WARNING

OCONOMOWOC MEMORIAL HOSPITAL PHARMACY

This was tabled until the next Board meeting to be held in January 2003.

LAND O' LAKES PHARMACY

MOTION: John Bohlman moved, seconded by Michael Bettiga, to issue an administrative warning for Land O'Lakes Pharmacy. Case Advisor; Cynthia Benning. Motion carried.

REQUEST FOR BOARD CONSIDERATION

JAMES GROVES, R.Ph.

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to send a letter to Mr. James Grove, R.Ph. to respond and make monitoring aware of when he anticipates working in Wisconsin. Motion carried unanimously.

CASE CLOSINGS

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to close complaint **02 PHM 030**, for prosecutorial discretion. Dan Luce abstained. Motion carried.

MOTION: John Bohlman moved, seconded by Michael Bettiga, to close complaint **02 PHM 061**, for prosecutorial discretion.. Motion carried unanimously.

EXAMINATION ISSUES

The December exam results were shared by Casey Brown with the Board. Six passed and two failed. The Board discussed changes that needed to be made on examinations with Casey Brown and once made will be reviewed by John Bohlman and Cynthia Benning. The current exam used on December 10, 2002 will be reviewed by Susan Sutter who will make any changes and then share with the rest of the Board at the January 2003 meeting.

MOTION: Dan Luce moved, seconded by John Bohlman, to approve the examination results. Motion carried unanimously.

2003 MEETING DATES

There was a request by the Board to change the June, 2003 meeting and examination dates. The Board would like to have the examination date changed to June 18, 2003 and the Board meeting date changed to June 19, 2003. This will be submitted for scheduling.

ADJOURNMENT

MOTION: John Bohlman moved, seconded by Michael Bettiga, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 3:19 p.m.